

# State of South Dakota

NINETIETH SESSION  
LEGISLATIVE ASSEMBLY, 2015

940W0124

## HOUSE BILL NO. 1062

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to jury selection.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 16-13-23 be amended to read as follows:

4 16-13-23. Within fifteen days from the receipt of the order provided in § 16-13-22, but no  
5 later than the first day of November, the clerk of courts, ~~register of deeds, county treasurer, and~~  
6 ~~sheriff shall meet at the clerk's office to~~ shall select the jury panels.

7 Any such officer who is not disqualified may act by deputy.

8 Section 2. That § 16-13-27 be amended to read as follows:

9 16-13-27. ~~Unless an electronic selection system is used, the drawing officers shall verify the~~  
10 ~~clerk's tickets corresponding to all the names on the master jury list. Separate tickets~~  
11 ~~corresponding to all such names shall be placed in the jury wheel or drawing box, shall be~~  
12 ~~thoroughly mixed, and shall be drawn one at a time and in rotation by the register of deeds,~~  
13 ~~treasurer, and sheriff, or their designees, until the required panels have been filled. As each~~  
14 ~~name is drawn, it shall be recorded by the clerk, and the completed list shall be signed by the~~  
15 ~~drawing officers.~~



1 ~~—The drawing officers may~~ clerk of courts shall use an electronic ~~or mechanical~~ selection  
2 ~~system or device in carrying out their duties pursuant to this section~~ to fill the jury panels with  
3 names from the master jury list. ~~If an electronic jury selection system is used, the drawing~~  
4 ~~officers~~ The clerk of courts shall sign the list to indicate that the selection was fairly performed  
5 to the best of ~~their~~ the clerk's knowledge.

6 Section 3. That § 16-13-31 be amended to read as follows:

7 16-13-31. No irregularity or omission upon the part of the state court administrator's office;  
8 ~~the board of jury selectors~~, or of any officer, in the performance of any duty imposed by this  
9 chapter, serves to invalidate the panel of grand or petit jurors selected unless it shall be made  
10 to appear to the satisfaction of the court for which the panel was drawn that there was such  
11 misfeasance or malfeasance as would tend to deprive some litigant or person charged with crime  
12 of a substantial right, in which event the court may dismiss any or all members of the panel from  
13 the trial of such case or the consideration of such matter or for the term and may make such  
14 order respecting the drawing of additional names from the list or a new panel or a special venire  
15 as the court may deem proper.

16 Section 4. That § 16-13-24 be repealed.

17 ~~—16-13-24. If the register of deeds, treasurer, or sheriff be a party to a suit pending in the court~~  
18 ~~for which the panel is to be drawn, or be suspended from office, or otherwise unable to act, such~~  
19 ~~officer shall be deemed disqualified and in his place the circuit court shall by order provide for~~  
20 ~~a substitute and the notice of the drawing shall be served upon the substitute.~~

21 Section 5. That § 16-13-25 be repealed.

22 ~~—16-13-25. The meeting of such officers shall be after notice in writing has been served upon~~  
23 ~~them or their deputies, or by leaving a copy of the notice in their respective offices if any such~~  
24 ~~officer or deputy is absent from the county seat. The notice must be served by the clerk of courts~~

- 1 ~~and must state that the object of the meeting is the drawing of the names of jurors, and that their~~
- 2 ~~attendance at the office of the clerk is required at a specified time.~~